

AMENDMENTS TO THE DRAWINGS

Please replace the drawings presently on file with the drawings submitted herewith.

Attachment: Replacement Drawings 1 to 6

REMARKS

Claims 1 to 10 are pending in the application. Claims 7-10 have been withdrawn from consideration.

With respect to the objection to the drawings for the reasons indicated on the form PTO 948 which accompanied the Office Action of May 7, 2003, reconsideration is respectfully requested on the following grounds.

The Examiner states that the replacement drawings believed to overcome the objections noted by the draftsperson and which were submitted with the response to the Office Action of May 7, 2003 were not received. In view of this, Applicant resubmits herewith replacement drawings believed to overcome the objections raised by the draftsperson.

With respect to the objection to the specification, reconsideration by the Examiner is respectfully requested on the following grounds.

Table 1, which bridges pages 12 and 13 of the application as filed, has been amended to remove footnotes 3 and 4, found at the bottom of the table, which were typographical errors which occurred during the drafting of the application.

Table 1 has also been amended to replace the term "AP3/C4-ORF³" with the term "AP3/C4-ORF", in order to reflect the removal of footnote 3 as discussed above.

The amendments to the specification which were not entered in response to the Office Action of May 7, 2003, as discussed above, are believed to overcome the Examiner's objections to the specification.

With respect to the objection to the Title, reconsideration by the Examiner is respectfully requested on the following grounds.

The Title has been amended to " METHOD FOR REDUCTION OF POLLEN PRODUCTION IN PLANTS BY TRANSFORMATION WITH A NUCLEIC ACID ENCODING AN EDITED FORM OF THE BRASSICA NAPUS orf224 GENE ", which is believed to be descriptive of the instant application.

The amendment to the Title, as presented above, is believed to overcome the Examiner's objection.

With respect to the objection to the Abstract, reconsideration by the Examiner is respectfully requested on the following grounds.

The Examiner states that the Abstract submitted with the response to the Office Action of May 7, 2003 was not received. Applicant has submitted an amended Abstract herewith. The Abstract has been amended to indicate that the invention is directed to a method of reducing pollen production in plants by transformation with a nucleic acid encoding an edited form of the *Brassica napus* orf224 gene, as requested by the Examiner in the Office Action of May 7, 2003.

The amendment to the Abstract, as presented above, is believed to overcome the Examiner's objection.

With respect to the rejection to claims 1 to 4 under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 4 to 6 of U.S. Patent No. 6,365,798, reconsideration by the Examiner is respectfully requested on the following grounds.

Claim 1 has been amended to indicate that the promoter is expressed during mid- to late-stage of stamen development. Claim 2 has been amended to indicate that the

promoter is selected from the group consisting of AP3, Lat52, A9, fbp1, EPF2-5 and pfn4. Support for the amendments to claims 1 and 2 can be found on page 10, paragraph [0028] of the application.

The amendments to claims 1 and 2, as presented above, are believed to overcome the Examiner's rejection of claims 1-4 under 35 U.S.C. 101 as claiming the same inventions as that of claims 1 and 4-6 of U.S. Patent No. 6,365,798.

With respect to the rejection to claim 5 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,365,798, reconsideration by the Examiner is respectfully requested on the following grounds.

Claim 5 is dependent on claim 1. The amendment to claim 1, as presented above, is believed to overcome the Examiner's rejection of claim 5 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,365,798.

On page 2 of the Office Action the Examiner states that the amendments to the specification in response to the previous Office Action of May 7, 2003 were not entered because the marked-up copy did not correspond to the current specification. Thus, Applicant respectfully resubmits the following amendments to the specification.

Paragraph [0021] on page 7 of the disclosure has been amended to renumber "Fig. 4" and "Fig. 5" as "Fig. 5" and "Fig. 6", respectfully, and to include the brief description of Fig. 4. This amendment corrects an error wherein the description of Fig. 4 was inadvertently omitted. Support for this description can be found on page 18, Table 4 of the present application.

The amendments to paragraph [0040] and paragraph [0047] correct typographical errors which occurred during the drafting of the present application. Support for the correction of "C4-ORF" to "A9-ORF" in paragraph [0040] can be found on page 7, line 5. Support for the correction of "AP3/A9-A6a" to "AP3/A9-A6u" in paragraph [0047] can be found throughout the application, for example on page 15, line 9.

The Applicants submit that no new matter has been added by the present amendments.

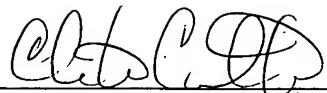
It is submitted, therefore, that the claims are in condition for allowance. Reconsideration of the Examiner's rejections is respectfully requested. Allowance of claims 1 to 6 at an early date is solicited.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

No additional fees are believed to be necessitated by this amendment.- However, should this be an error, authorization is hereby give to charge Deposit Account No. 19-5113 for any underpayment or to credit any overpayment.

Respectfully submitted,

Date: Dec 5, 2003

By: 
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Enclosures